

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF ARKANSAS

3 CRAIG SHIPP,

4 Plaintiff,

5 VS.

6 NO. 4:18-CV-04017-SOH

7 CORRECT CARE SOLUTIONS, LLC;
8 DR. LORENE LOMAX; DR. MIMO
LEMDJA, et al.

9 Defendants.

10 DEPOSITION OF SHAWN SMITH, M.D.
11 TAKEN ON BEHALF OF THE DEFENDANTS
12 ON JUNE 13, 2019 AT 1:30 P.M.
13 IN OKLAHOMA CITY, OKLAHOMA

14 APPEARANCES

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26 (Appearances continued on the following page)

27 REPORTED BY: Abby Rhodes, CSR, RPR

<p style="text-align: center;">Page 22</p> <p>1 recognized that by around week three or so he did 2 get -- 3 Q Okay. 4 A -- some form of orthotic. 5 Q Right. 6 A It was just a little confusing because down 7 in other records when he was at the other medical unit 8 it said he hadn't gotten them yet, so... 9 Q Okay. All right. 10 If you skip down a few sentences, you state 11 "The pressure ulcers on the right foot that developed 12 due to lack of appropriate support and protection with 13 prescription orthotics and shoe wear never healed and 14 was the proximate cause for his subsequent 15 below-the-knee amputation on July 31, 2017." 16 Is that correct? 17 A Yes. 18 Q Okay. 19 A That's what it says. 20 Q Do you consider other outside factors that 21 may have contributed to his ulcer not healing when you 22 made that opinion? 23 A Do you mean were there other things that 24 affected his inability to heal? 25 Q Yes, sir.</p>	<p style="text-align: center;">Page 24</p> <p>1 offload his foot completely." That's March 10. 2 A So is there something in here saying he 3 didn't do that? 4 Q Yes, sir. Oh, man. I think this is when 5 the photo copier had a problem. 6 A Okay. I'm confused. What's the question 7 about this? 8 Q I wanted to know if you read the numerous 9 references by nursing staff that the resident was 10 walking into the infirmary without his wheelchair from 11 the 11th, the 12th, the 13th, the 14th, the 15th, the 12 16th, March 22. 13 A Does that say that on here? Because I'm... 14 Q No, sir, that's the first record. 15 A Yeah, well, that's what why I was asking 16 what you were having me look at this for. 17 Q That he was instructed to stay in the 18 wheelchair. 19 A I did see this, this specific page where it 20 said "wheelchair for now to offload his foot 21 completely," yes, I did see that. 22 Q And we may have to go off the record. I 23 gave Staples things to photocopy and I'm missing 24 several pages. Okay. Well, here's one. 25 A Okay. I do see the document in here that he</p>
<p style="text-align: center;">Page 23</p> <p>1 A Yes. 2 Q Okay. Can you tell me what those are. 3 A Diabetes, charcot foot, and just the 4 severity of the wound as it developed. 5 Q Okay. Now, that's a year and a half of 6 time. 7 Do you know how the patient handled his foot 8 care or his diabetic condition during that year and a 9 half? 10 A Well, I know what was documented in the 11 records I reviewed, but I couldn't tell you what he 12 did every day about it. 13 Q Okay. Do you recall reviewing records where 14 he was repeatedly not using the wheelchair that he had 15 been told to use? 16 MR. FRANSEEN: Object to form. 17 THE WITNESS: Do you mean the records that 18 Dr. Peeples was alluding to in his report? 19 Q (By Ms. Odum) The -- yeah, the -- 20 A Because I saw several documents like that. 21 I looked through thousands of pages trying to find 22 those specific instances and I couldn't find those in 23 there, so... 24 Q Okay. Let's see. I'm going to hand you 25 Peeples 102. The plan is "wheelchair for now to</p>	<p style="text-align: center;">Page 25</p> <p>1 walked in medical without a wheelchair, yes. 2 Q Okay. 3 A That's on -- 4 Q And I'm just going to hand you a few -- 5 A That's on March 16. 6 Q Yes, sir. 7 A And this is the same day, it documents the 8 same thing. And then this is, let's see, a week later 9 and this documents that he picked up bags and put it 10 in his wheelchair and pushed the wheelchair. So I did 11 see references from Dr. Peeples about that, but I 12 didn't see that exact report. 13 Q Okay. And there are several others. 14 MR. FRANSEEN: Object to the form. 15 Q (By Ms. Odum) We can go off the record for 16 me to get the notebook if you'd like to review them. 17 A Well, if they're the same references that 18 Dr. Peeples made, I mean, I don't doubt that he has 19 gotten through there and found those. 20 Q Okay. So if a -- if a patient that was 21 recently diagnosed with diabetic foot ulcers is not 22 following instructions to be non-weightbearing, does 23 that have any bearing on whether the ulcer heals? 24 A Well, I think if a patient has the 25 opportunity to offload and not weightbear and have</p>